

AFTER FINAL **EXPEDITED PROCEDURE**

UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S):	CROCKER ET AL.	GROUP ART UNIT:	2617
APPLN. NO.:	10/758,735	EXAMINER:	JAIME M. HOLLIDAY
FILED:	01/16/2004	Confirmation No.:	6383
TITLE:	METHOD AND APPARATUS FOR FACILITATING WIRELESS PRESENCE BASED SERVICES		

AFTER FINAL AMENDMENT AND REPLY TO OFFICE ACTION

This reply is being filed electronically

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450do not
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/JH/

Sir:

This communication is responsive to the Office Action of January 11, 2008 concerning the above-identified application, and is timely filed within the three month shortened statutory period for a response. This reply is provided in response to the Office Action in accordance with 37 CFR § 1.116. Applicants submit the following amendment and remarks and respectfully request the Examiner to reconsider the rejections made in the Office Action and to allow the claims to issue.

Please amend the above-referenced application as follows:

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (currently amended) A method for facilitating wireless presence-based services comprising:

receiving, by a wireless presence proxy (WPP) from a presence server, ~~a buddy list~~ presence ~~update~~ updates related to members of a buddy list for a mobile station (MS);

maintaining, by the WPP, buddy list presence information reflecting the ~~buddy list~~ presence update for the MS; and

when a condition for updating the MS exists, sending, by the WPP, presence ~~updates~~ information from based on the buddy list presence information to update the MS, wherein the presence ~~updates~~ information ~~is~~ are sent via a traffic channel (TCH) independent of call activity involving the MS ~~supporting a call involving the MS~~.

2. (original) The method of claim 1, further comprising

subscribing, by the WPP, to a presence service from the presence server as a proxy for the MS.

3. (original) The method of claim 1, wherein a condition for updating the MS exists when a predefined period of time has elapsed.

4. (original) The method of claim 3, wherein a condition for updating the MS exists when a predefined period of time has elapsed since an oldest change to the buddy list presence information.

5. (original) The method of claim 1, wherein a condition for updating the MS comprises a wireless resource-efficient condition for updating the MS.

6. (original) The method of claim 5, wherein a condition for updating the MS exists when the WPP receives an indication that the MS is assigned a traffic channel (TCH).

7. (original) The method of claim 6, wherein the indication that the MS is assigned a TCH comprises an indication from the group consisting of an indication of a call origination by the MS, an indication of call activity involving the MS, and an indication of a TCH assignment to the MS.

8. (original) The method of claim 6, wherein the presence information is sent to the MS via the TCH.

9. (original) The method of claim 8, wherein the presence information is sent to the MS via short data burst (SDB) messaging.

10. (original) The method of claim 8, wherein the presence information is sent to the MS as data on the TCH.

11. (original) The method of claim 1, wherein a condition for updating the MS exists when the WPP receives an indication that the MS is in a semi-dormant mode.

12. (original) The method of claim 1, wherein a condition for updating the MS exists when the WPP receives a presence update request from the MS.

13. (original) The method of claim 1, wherein a condition for updating the MS exists when the WPP receives an indication of a registration by the MS.

14. (original) The method of claim 1, wherein the presence information is sent to the MS via a PCH.

15. (original) The method of claim 14, wherein the presence information is sent to the MS via short data burst (SDB) on the PCH.

16. (original) The method of claim 1, further comprising updating, by the WPP, a presence server with a status of available for the MS in response to receiving an indication from the group consisting of an indication of a call completion by the MS and an indication of a registration by the MS.

17. (original) The method of claim 1, wherein the buddy list presence information contains the most recent information received by the WPP.

18. (original) The method of claim 1, further comprising updating, by the WPP, a presence server with a status of unavailable for the MS in response to receiving an indication from the group consisting of an indication of a deregistration by the MS, an indication of a "power off" by the MS, an indication of a presence deregistration by the MS, and an indication of an application service deregistration by the MS.

19. (original) The method of claim 1, further comprising updating, by the WPP, a presence server with a status of busy for the MS in response to receiving an indication from the group consisting of an indication of a call origination by the MS and an indication of call involvement by the MS.

20. (original) The method of claim 1, further comprising updating, by the WPP, a presence server with a status of available for the MS in response to receiving an indication from the group consisting of an indication of a registration by the MS and an indication of available-busy for the MS.

21. (currently amended) A method for facilitating wireless presence-based services comprising:

sending, by a mobile station (MS), a call request;

receiving, by the MS, a traffic channel (TCH) assignment to support the call request; and

receiving, by the MS, updated buddy list presence information via the TCH supporting the call request independent of call activity involving the MS.

22. (original) The method of claim 21, wherein receiving the updated buddy list presence information comprises receiving the updated buddy list presence information from a wireless presence proxy (WPP).

23. (original) The method of claim 22, further comprising sending, by the MS, a presence update request to the WPP via the TCH supporting the call request, wherein the updated buddy list presence information is received in response to the presence update request.

24. (original) The method of claim 22, further comprising sending, by the MS, an indication to the WPP that the MS is on a TCH.

25. (original) The method of claim 22, further comprising sending, by the MS, an indication to the WPP of a call type associated with the call request being supported by the TCH.

26. (original) The method of claim 22, wherein the call request comprises a message from the group consisting of an origination message, a page response message, and a reconnect message.

27. (original) The method of claim 22, wherein the call request comprises a request from the group consisting of a data call request and a voice call request.

28. (original) The method of claim 22, wherein the call request is sent via short data burst (SDB) and wherein the updated buddy list presence information is received via SDB.
29. (original) The method of claim 21, wherein receiving the updated buddy list presence information comprises receiving the updated buddy list presence information from a presence server.
30. (original) The method of claim 29, further comprising sending, by the MS, a presence update request message to the presence server.
31. (original) The method of claim 30, wherein sending the presence update request message comprises sending the presence update request message to the presence server when the call request is a voice call request.

32. (currently amended) A wireless presence proxy (WPP) for facilitating wireless presence-based services, the WPP comprising:

a network interface adapted to send and receive messaging using at least one communication protocol;

a processor, communicatively coupled to the network interface,

adapted to receive, from a presence server via the network interface, a

buddy list presence update for a mobile station (MS),

adapted to maintain buddy list presence information reflecting the buddy list presence update for the MS, and

adapted to send, via the network interface and a traffic channel (TCH)

~~supporting a call involving the MS~~, presence information from the

buddy list presence information to update the MS independent of

call activity involving the MS, when a condition for updating the

MS exists.

33. (currently amended) A mobile station (MS) for facilitating wireless presence-based services, the MS comprising:

a transceiver; and

a processor, communicatively coupled to the transceiver,

adapted to send a call request via the transceiver,

adapted to receive a traffic channel assignment (TCH) to support the call request via the transceiver, and

adapted to receive an updated buddy list presence information via the

TCH ~~supporting the call request~~ and the transceiver independent of

call activity involving the MS.

REMARKSClaim Changes

Claims 1, 21, 32, and 33 have been amended to recite “independent of call activity involving the MS.” These changes are based at least on page 9 lines 9 – 10 and page 11 lines 2 - 3 of the specification as filed. Thus, no new matter has been added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of claims 1, 2, 5 – 8, 10, 11, 13, and 16 - 20 under 35 U.S.C. § 103(a) as being unpatentable over US 2004/0170263 (Michael et al.) in view of US 2003/0065788 (Salomaki), and in further view of US 2004/0234061 (Koch et al.)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1, 2, 5 – 8, 10, 11, 13, and 16 - 20 under 35 U.S.C. § 103(a) as being unpatentable over Michael in view of Salomaki and in further view of Koch, as herein amended.

The Office Action on page 2 states that, “[t]he independent claims do not define the ‘condition’, for updating the presence information, and in silent regarding the updating of information for active and inactive buddy devices.” The Applicant has therefore amended the claims to clarify the invention.

Applicant respectfully submits that the combination of Michael, Salomaki, and Koch does not teach or suggest all the claim limitations as set forth in independent claim 1, as amended. For example, independent claim 1 recites, “the presence updates are sent via a traffic channel (TCH) independent of call activity involving the MS,” which is neither taught nor suggested in the combination of Michael, Salomaki, and Koch.

Koch on page 5, para [0063] states “... Buddy Call Waiting Service... a call from a buddy may be alerted to the subscriber when the subscriber is already engaged with another call. If the caller is not a buddy, the caller may hear a busy tone.” Koch further on page 5, para [0067] states “...SCP 140 may consult the buddy list in database ... if caller 130 is determined not to be a buddy... SCP 140 sends a default response to SSP 116 ... to play a busy tone for caller 130 ... caller 130 hears a busy tone, indicating subscriber 110 is not available to receive the call.” Further, Koch on page 5, para [0068] states “... caller 130 is a buddy... SCP 140 sends a buddy response to SSP 116. The buddy response may be an Authorize_Termination message. The buddy response may also comprise a ControllingLegTreatment field. The ControllingLegTreatment field may contain a standard call waiting tone indication...SSP 116 alerts subscriber 110 with the standard calling waiting tone.” Therefore, Koch describes that the presence information regarding the buddy is indicated with the standard call waiting tone, however this happens only when the caller is in a call with the subscriber. In contrast, Applicant’s claim recites (emphasis added) “the presence updates are sent via a traffic channel (TCH) independent of call activity involving the MS.” which is not taught or suggested by Koch.

For example, call waiting information in Koch, as cited, is sent only when the buddy calls the subscriber and only pertains to the buddy and the fact that the buddy is calling. This is not true of presence information. In the example cited in Koch, call waiting information is not sent about the buddy when the buddy is not calling the subscriber. Again, this is not true of presence information. Hence, there is no teaching or suggestion provided in Koch, as cited, that presence information from the buddy list presence information would be sent to update the subscriber, when the subscriber is not

involved in a call. Therefore, Koch fails to describe sending presence information for the buddy via the TCH independent of call activity involving the MS.

Further, Applicant's WPP maintains the updated buddy list presence information for the MSs which are subscribed to receive the information from the WPP. This presence information in Applicant's WPP is also related to the devices which are unavailable for interaction with the subscriber. And, presence information regarding devices which are available and devices which are unavailable is sent to the MS. However, Koch sends the call waiting information only when the caller calls the subscriber. For the above reasons, the combination of Michael, Salomaki, and Koch fails to disclose Applicant's claimed invention as claimed in independent claim 1, and Applicant respectfully requests withdrawal of the rejection of independent claim 1 under 35 USC 103(a). Applicant requests that independent claim 1 now be passed to allowance.

Dependent claims 2, 5 – 8, 10, 11, 13, and 16 – 20 depend from, and include all the limitations of independent claim 1, as amended. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2, 5 – 8, 10, 11, 13, and 16 – 20 and requests withdrawal of their rejection.

Rejection of claims 3, 4, 9, and 12 under 35 U.S.C. 103(a) as being unpatentable over US 2004/0170263 (Michael et al), US 2003/0065788 (Salomaki), and US 2004/0234061 (Koch et al.), and further in view of US 2002/0129103 (Birkler et al.)

Dependent claims 3, 4, 9, and 12 depend from, and include all the limitations of independent claim 1, as amended. Therefore, Applicant respectfully requests the reconsideration of dependent claims 3, 4, 9, and 12 and requests withdrawal of their rejection.

Rejection of claims 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over US 2004/0170263 (Michael et al), US 2003/0065788 (Salomaki), and US 2004/0234061 (Koch et al.), and further in view of Black.

Dependent claims 14 and 15 depend from, and include all the limitations of independent claim 1, as amended. Therefore, Applicant respectfully requests the reconsideration of dependent claims 14 and 15 and requests withdrawal of their rejection.

Rejection of claims 21, 29, and 33 under 35 U.S.C. § 103(a) as being unpatentable over US 2002/0035605 (McDowell et al.) in view of US 2004/0234061 (Koch et al.)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 21, 29, and 33 under 35 U.S.C. § 103(a) as being unpatentable over McDowell in view of Koch, as herein amended.

Applicant respectfully submits that the combination of McDowell and Koch does not teach or suggest all the claim limitations as set forth in independent claims 21 and 33, as amended. For example, independent claim 21 recites (emphasis added), “receiving, by the MS, updated buddy list presence information via the TCH independent of call activity involving the MS” which is neither taught nor suggested in the combination of McDowell and Koch. Independent claim 33 recites (emphasis added), “adapted to receive an updated buddy list presence information via the TCH and the transceiver independent of call activity involving the MS” which is also neither taught nor suggested in the combination of McDowell and Koch.

For the reasons mentioned above with respect to claim 1, there is no teaching or suggestion provided in Koch, as cited, that presence information from the buddy list presence information would be sent to update the subscriber, when the subscriber is not involved in call activity. Therefore, Koch fails to describe sending presence information

for the buddy via the TCH independent of call activity involving the MS. Hence, the combination of McDowell and Koch do not teach or suggest the claim language of “receiving, by the MS, updated buddy list presence information via the TCH independent of call activity involving the MS” (emphasis added) as recited by independent claim 21, as amended, nor the claim language of “adapted to receive an updated buddy list presence information via the TCH and the transceiver independent of call activity involving the MS” (emphasis added) as recited by independent claim 33, as amended. Therefore, the Applicant respectfully requests withdrawal of the rejection of independent claims 21 and 33 under 35 U.S.C 103.

Dependent claim 29 depends from, and includes all the limitations of independent claim 21. Therefore, Applicant respectfully requests the reconsideration of dependent claims 21 and requests withdrawal of its rejection.

Rejection of claims 22 – 28 and 30 under 35 U.S.C. § 103(a) as being unpatentable over US 2002/0035605 (McDowell et al.) and US 2004/0234061 (Koch et al.), and further in view of US 2002/0129193 (Birkler et al.)

Dependent claims 22 – 28 and 30 depend from, and include all the limitations of independent claim 21, as amended. Therefore, Applicant respectfully requests the reconsideration of dependent claims 22 – 28 and 30 and requests withdrawal of their rejection.

Rejection of claim 31 under 35 U.S.C. § 103(a) as being unpatentable over US 2002/0035605 (McDowell et al.), US 2004/0234061 (Koch et al.), and US 2002/0129193 (Birkler et al.), and further in view of US 2003/0073440 (Mukherjee et al.)

Dependent claim 31 depends from, and includes all the limitations of independent claim 21, as amended. Therefore, Applicant respectfully requests the reconsideration of dependent claims 31 and requests withdrawal of its rejection.

Rejection of claim 32 under 35 U.S.C. 103(a) as being unpatentable over US 6,895,425 (Kadyk et al) in view of US 2003/0065788 (Salomaki), and further in view of US 2004/0234061 (Koch et al.)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Kadyk in view of Salomaki and further in view of Koch, as herein amended.

Applicant respectfully submits that the combination of Kadyk, Salomaki, and Koch does not teach or suggest all the claim limitations as set forth in independent claim 32, as amended. For example, independent claim 32 recites, “presence information from the buddy list presence information to update the MS independent of call activity involving the MS” (emphasis added) which is neither taught nor suggested in the combination of Kadyk, Salomaki, and Koch.

For the reasons mentioned above with respect to claim 1, there is no teaching or suggestion provided in Koch, as cited, that presence information from the buddy list presence information would be sent to update the subscriber, when the subscriber is not involved in call activity. Therefore, Koch fails to describe sending presence information for the buddy via the TCH independent of call activity involving the MS. Hence, the combination of McDowell and Koch do not teach or suggest the claim language of “presence information from the buddy list presence information to update the MS independent of call activity involving the MS” (emphasis added) as recited by independent claim 32, as amended. Therefore, the Applicant respectfully requests withdrawal of the rejection of independent claim 32 under 35 U.S.C 103.

Conclusion

Since none of the references cited, either independently or in combination, teach all of the limitations of the independent claims, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. Thus, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney at the telephone number indicated below.

Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. **502117 -- Motorola, Inc.**

Respectfully submitted,

By: /Jeffrey K. Jacobs/
Jeffrey K. Jacobs
Attorney for Applicant
Registration No. 44,798
Tel. No. (847) 576-5562
Fax No. (847) 576-3750